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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,899	04/27/2001	Mohamed Anisur Rahman	2925-0469P	7572

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EXAMINER
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RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
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2688

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/842,899	RAHMAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sharad K. Rampuria	2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 34-40 is/are pending in the application.
- 4a) Of the above claim(s) 4-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 34-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
     a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                      | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                             | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>8/16/05</u> | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

I. The current office-action is in response to the application filed on 9/14/05.

Accordingly, Claims 4-33 are cancelled and Claims 1-3 and 34-40 are pending for further examination as follows:

#### ***Claim Rejections - 35 USC § 103***

II. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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III. Claims 1, 3, 34-35, 37, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sladek et al. [US 6622016] in view of Sawyer [US 5828737] further in view of Gidwani [US 6640239].

Regarding Claim 1, Sladek disclosed A system of billing in a user configurable wireless network (abstract), comprising:

a base station controller to establish and maintain communication between a wireless unit and the wireless network; (MSC/VLR; fig.6-7; col.23; 22-31 & BSC; col.13; 54-64)

a home location register in operative communication with the base station controller to support applications and services; (HLR; fig.6-7; col.23; 11-20)

Sladek fails to disclose a service data node module in direct operative communication with the base station controller and the home location register to coordinate the applications and services supported by the home location register. However, Sawyer teaches in an analogous art, that a service data node module in direct operative communication with the base station controller and the home location register to coordinate the applications and services supported by the home location register; (40; fig.2; col.5; 6-15) a billing manager in operative communication with the service data node module, to bill the user based on the user implemented service creation and service negotiation. (44; fig.2; col.5; 20-28) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Sladek including a service data node module in direct operative communication with the base station controller and the home location register to coordinate the applications and services

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supported by the home location register in order to provide communications service billing based on the bandwidth use.

The above combination fails to disclose a user end in operative communication with the service data node, allowing the user to implement service creation and service negotiation without service provider intervention. However, Gidwani teaches in an analogous art, that a user end in operative communication with the service data node, allowing the user to implement service creation and service negotiation without service provider intervention (col.6; 51-65, col.7; 9-25, col.23; 28-65) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Sladek and Sawyer including a user end in operative communication with the service data node, allowing the user to implement service creation and service negotiation without service provider intervention in order to provide methods and apparatuses for an intelligent scalable switching network.

Regarding Claim 3, Sladek disclosed all the particulars of the claim except a billing manager. However, Sawyer teaches in an analogous art, that The system of claim 1, wherein the billing manager further comprises: a billing mediator in operative connection with the service data node to receive and distribute data from the service data node; a billing processor in operative connection with the billing mediator to process the data from the billing mediator; a billing order manager in operative connection with the billing processor to manage the processed data from the billing processor; and a customer information processor in operative connection with the billing order manager to process customer information. (44; fig.2; col.5; 15-28) Therefore, it would have been obvious to one of ordinary skill in the art at the time of

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invention to include a billing manager in order to provide communications service billing based on the bandwidth use.

Regarding Claim 34, Sladek disclosed A method of billing in a wireless network communications system (abstract), the method comprising:

Establishing a database in the wireless network; (col.14; 57-col.15; 5)

Providing services into the database; (col.15; 30-50)

Sladek fails to disclose billing the user based on the selected service. However, Sawyer teaches in an analogous art that billing the user based on the selected service. (44; fig.2; col.5; 20-28) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Sladek including billing the user based on the selected service in order to provide communications service billing based on the bandwidth use.

The above combination fails to disclose allowing a user to select a service by accessing the database without service provider intervention. However, Gidwani teaches in an analogous art, that allowing a user to select a service by accessing the database without service provider intervention (col.6; 51-65, col.7; 9-25, col.23; 28-65) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Sladek and Sawyer including allowing a user to select a service by accessing the database without service provider intervention in order to provide methods and apparatuses for an intelligent scalable switching network.

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Regarding Claim 35, Sladek disclosed the method of claim 34, wherein the billing is based on a wireless packet call of the selected service. (col.13; 54-64)

Regarding Claim 37, Sladek disclosed the method of claim 34, wherein the billing is based on a profile change of the user. (col.19; 41-50 & 59-67)

Regarding Claim 40, Sladek disclosed the method of claim 34, wherein the billing is performed on a call-by-call or session-by-session basis. (col.28; 14-33)

IV. Claims 2, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sladek in view of Sawyer and Gidwani as applied to claims above and further in view of Bianconi et al.

Regarding Claim 2, the above combination disclosed all the particulars of the claim except a database to store quality of services. However, Bianconi teaches in an analogous art, that the system of claim 1, wherein the service data node module further comprises:

A database to store quality of services; (0010; pg.2).

A dynamic billing information processor in operative communication with the database, to determine actual use of a service on a call-by-call or session-by-session basis; (0010; pg.2) and a radius accounting server in operative communication with the dynamic billing information processor, to correlate the determined actual use from the dynamic billing information processor. (0033; pg.4). Therefore, it would have been obvious to one of ordinary skill in the art at the time

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of invention to include a database to store quality of services in order to provide location based billing of data services.

Regarding Claim 36, the above combination disclosed all the particulars of the claim except a database to store quality of services. However, Bianconi teaches in an analogous art, that the method of claim 34, wherein the billing is based on a quality of service of the selected service. (0010; pg.2). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a database to store quality of services in order to provide location based billing of data services.

V. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sladek in view of Sawyer and Gidwani as applied to claims above and further in view of Lohtia et al.

Regarding Claim 38, the above combination disclosed all the particulars of the claim except content push services. However, Lohtia teaches in an analogous art, that the method of claim 34, wherein the selected service comprises content push services. (SMS; pg.3; 0024) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include content push services in order to provide information to a communication device in response to a request for particular service.

VI. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sladek in view of Sawyer and Gidwani as applied to claims above and further in view of Sarkki et al.



Regarding Claim 39, the above combination disclosed all the particulars of the claim except transaction based services. However, Sarkki teaches in an analogous art, that the method of claim 34, wherein the selected service comprises transaction based services. (Col.4; 1-12) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include transaction based services in order to provide transaction based billing for telephone services.

#### ***Response to Amendment***

VII. Applicant's arguments with respect to claims 1-3, & 34-40 has been fully considered but is moot in view of the new ground(s) of rejection.

#### ***Conclusion***


VIII. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:15-4:45).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or [EBC@uspto.gov](mailto:EBC@uspto.gov).

Sharad Rampuria  
Examiner  
Art Unit 2688

  
**GEORGE ENG**  
**PRIMARY EXAMINER**